

WARRICK COUNTY COUNCIL

RESOLUTION NO. 2022 - 02

**A PRELIMINARY RESOLUTION DECLARING AN ECONOMIC REVITALIZATION
AREA FOR REAL AND PERSONAL PROPERTY (INCLUDING UTILITY
DISTRIBUTABLE PROPERTY) TAX PHASE-IN
("Rustic Hills Solar II LLC")**

WHEREAS, Rustic Hills Solar II LLC (the "Applicant") has submitted a Statement of Benefits - Real Estate Improvements and a Statement of Benefits – Utility Distributable Property, and Applicant has made application for Economic Revitalization Area designation pursuant to IC 6-1.1-12.1 et seq., and has requested Tax Phase-In for real and personal property (including utility distributable property) located in Warrick County, Indiana and more particularly described in the legal description attached hereto as Exhibit A (the "Property").

WHEREAS, the Warrick County Economic Development Advisory Council ("EDAC") and the Warrick County Redevelopment Commission ("RDC") on the 20th day of January, 2022 reviewed Applicant's Statement of Benefits for Real Estate Improvements and Statement of Benefits for Utility Distributable Property and also reviewed Applicant's Application for Economic Revitalization Area and Phase-In of Property Tax, and EDAC and RDC made unanimous recommendations for approval by the County Council, and the RDC adopted a Resolution approving Applicant's Statement of Benefits – Real Estate Improvements and Statement of Benefits – Utility Distributable Property;

WHEREAS, Rustic Hills Solar II LLC intends to improve the Property by constructing and operating a 100 MW alternating current solar photovoltaic electric generating facility that will interconnect into the CenterPoint Energy Culley – Northeast 138kV transmission line that parallels the project site. The construction of the solar energy generating facility is expected to commence in late 2022 and be completed in late 2023;

WHEREAS, Rustic Hills Solar II LLC also intends to improve the Property by constructing fencing, roads and structures for personnel;

WHEREAS, Rustic Hills Solar II LLC further intends to purchase and install, as part of the project, the personal property (utility distributable property) described in Exhibit A to Applicant's Application for Economic Revitalization Area and Phase-In of Property Tax, with an estimated cost of \$83,509,000;

WHEREAS, the Property meets the criteria for designation as an Economic Revitalization Area pursuant to IC 6-1.1-12.1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Warrick County Council as follows:

Section 1. The Warrick County Council has reviewed the Statement of Benefits for Real Estate Improvements and the Statement of Benefits for Utility Distributable Property, the

recommendations of EDAC and RDC, and additional information submitted pursuant to IC 6-1.1-12.1 et seq., and makes the following findings:

- a. The estimate of the value for both the redevelopment and/or rehabilitation of the Property and construction of structures is reasonable for projects of that type; and
- b. The estimate of the number of individuals who will be employed by this project or whose employment will be retained can be reasonably expected to result from the proposed redevelopment and/or rehabilitation and construction of structures; and
- c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed project; and
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed project; and
- e. The totality of benefits likely to accrue from this project is sufficient to justify a tax deduction; and
- f. The estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and/or new information technology equipment is reasonable for equipment of that type; and
- g. With respect to new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, and new research and development equipment, new logistical distribution equipment, and/or new information technology equipment, the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and/or new information technology equipment; and
- h. The estimate of the annual salaries of the individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and/or new information technology equipment; and
- i. With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment; and

- j. The other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and/or new information technology equipment; and
- k. The totality of benefits to accrue from this project is sufficient to justify the deduction.

Section 2. Based on these findings, the Warrick County Council has determined that the purposes of IC 6-1.1-12.1 et seq. are served by allowing the deductions for both real and personal property (utility distributable property), and the Property described above is hereby declared to be an Economic Revitalization Area.

Section 3. The designation of the Economic Revitalization Area shall apply to property tax deductions for both real and personal property (utility distributable property) taxes.

Section 4. The designation of this Economic Revitalization Area for the Property shall be in effect up to and including February 1, 2027.

Section 5. Deductions for redevelopment and/or rehabilitation of real property which takes place within this Economic Revitalization Area shall be allowed for a period of eight (8) years beginning with increases in assessed value resulting from the real property improvements, with the abatement schedule to be 100% in year one, 88% in year two, 75% in year three, 63% in year four, 50% in year five, 38% in year six, 25% in year seven, and 13% in year eight.

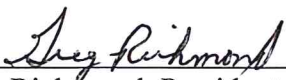
Section 6. Deductions for the installation of personal property (utility distributable property) which takes place within this Economic Revitalization Area shall be allowed for a period of nine (9) years beginning with increases in assessed value resulting from the personal property (utility distributable property) improvements, with the abatement schedule to be 100% in year one, 88% in year two, 77% in year three, 66% in year four, 55% in year five, 44% in year six, 33% in year seven, 22% in year eight, and 11% in year nine.

Section 7. The Warrick County Auditor shall cause to be published notice of the adoption and substance of this Resolution in accordance with IC 5-3-1. Such notice complies with IC 6-1.1-12.1-2.5(c).

Section 8. This Resolution shall be in full force and effect from and after its passage and action had confirming, modifying and/or rescinding the same.

PASSED this 15 day of February, 2022.

Warrick County Council



Greg Richmond, President

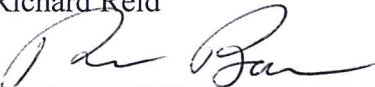


Brad Overton, Vice President

David Hachmeister



Richard Reid



Ron Bacon

Ted Metzger



Chris Whetstone

ATTEST:



Warrick County Auditor

EXHIBIT A
LEGAL DESCRIPTION – ASSESSOR PARCEL NUMBERS

<u>Owner</u>	<u>Parcel</u>	<u>Acres</u>
Cornell Excavating	87-13-20-400-011.000-019	38.6
	87-13-20-400-015.000-019	25.25
	87-13-20-400-016.000-019	26.6
	87-13-21-300-008.000-002	18.59
	87-13-21-300-009.000-002	40
	87-13-21-300-025.000-002	60.75
	87-13-21-300-027.000-002	29.74
	87-13-28-100-001.000-002	78.78
	87-13-28-100-020.000-002	48.71
	87-13-29-200-003.000-019	127.57
	87-13-21-400-010.000-002	61.88
	87-13-21-400-012.000-002	40
	87-13-21-400-014.000-002	40
	87-13-22-100-029.000-002	18.12
	87-13-22-200-005.000-002	40
	87-13-22-300-013.000-002	40
	87-13-22-200-006.000-002	36.94
	87-13-22-200-007.000-002	28.54
	87-13-22-300-011.000-002	40
	87-13-22-300-014.000-002	40
Joe Frederick Volkman	87-13-28-100-008.000-002	18.5
Ruth Norine Keller, et al	87-13-29-400-014.000-019	77.53
TOTAL		1120.1